

A MEETING OF THE BOARD OF COMMISSIONERS  
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS  
HELD ON THURSDAY, MAY 21, 2009 AT 7:00 P.M.

MEMBERS PRESENT:

MAYOR SHIPLEY  
VICE-MAYOR PRIVETT  
COMMISSIONER ADAMS  
COMMISSIONER HARMON  
COMMISSIONER SKILES  
INTERIM MANAGER BURRIS  
CITY ATTORNEY ELLIOTT  
SECRETARY BARKER

The minutes of the meeting held May 7, 2009 were approved as presented.

Old Business: None.

New Business: None.

Citizens' Participation:

Billy Jack "Punk" Heard, 9061 Daisy Dallas Road stated he is still waiting on pot holes to be repaired on Daisy Dallas Road. Manager Burris stated that we are aware of the pot holes and they will be repaired as soon as possible. Commissioner Harmon asked Public Works Director if it would be possible to make repairs within the next two weeks.

Charlie Cox, 8806 Brookhill Lane, asked about the status of the extension of Posey Hollow Road behind the Green Gables Motel. Public Works Director Renfro stated it was on list of work being planned. Vice-Mayor Privett asked Mr. Cox when he was going to start his house. Mr. Cox stated the bank will not close on his loan until the roadway to his property has been improved.

Chris Harper, 306 Timberline Circle, presented to the Board a schedule of events for Fun-Fest on Saturday, May 23<sup>rd</sup> starting at 11:00 a.m. Mr. Harper asked Mayor Shipley to do the welcoming and opening remarks at this event. Mayor Shipley respectfully accepted. Mr. Harper stated they have about 16 exhibitors confirmed, including a large representation from the Hamilton County Sheriff's Department, Soddy-Daisy Police and Fire Departments, Alhambra Shrine, American Legion, Vietnam Veterans and different organizations from local schools. Mr. Harper stated the Soddy-Daisy High School Band will play the National Anthem and he is looking forward to having a great community event and thanked the City for their support.

Tom Million, 12220 Macon Way in the Plantation Subdivision, asked the Board their opinion on him and his adjoining property owners making any changes to rectify the problem of water flow on their property. Vice-Mayor Privett explained that if it is a natural water way, not a blue line stream, the property owner is allowed to repair a drainage ditch on his own property. Commissioner Harmon stated that during an on site inspection he asked Mike Gravitt, the State Erosion Inspector, if the property owner needed to obtain any kind of permit to do this work. The inspector replied no permit is necessary and the only part the State governs is the silt that comes out into the blue line area. City Attorney Elliott stated as a preventive measure a silt fence should be in place prior to doing any work. Mr. Million stated disturbance to his yard is coming next and he wants the assurance he is safe in making changes on his property. City Attorney Elliott stated the City is not providing legal advice, however if it is not considered a blue line stream, is a private easement and provided no silt is being added to the water, it should be okay. He added that if the State should come back to him there would be no recourse to the City. Vice-Mayor Privett stated the main concern would be to make sure there is silting or protection in place and stabilized prior to any run off downstream. Mayor Shipley stated he did not want to see Mr. Million create a problem during his efforts to help this situation. Commissioner Adams stated he has done some research on this situation and he has not be able to locate the hydrology study. This study is necessary in order to know how much water is running down into the hold basin. The problem is sediment washing downstream and gathering at the pipe crossing over on the curb. Vice-Mayor Privett stated that a hydrology study was necessary when the developer submitted the application to the State due to the amount of acreage or land being disturbed. Commissioner Adams stated if the study could be located, the Water Control could look at the situation and give guidance. Vice-Mayor Privett stated he thinks someone needs to follow up on obtaining a copy of the hydrology study and stated he would talk with the Jim Copp of Copp Engineering to try and locate the hydrology study. Vice-Mayor Privett stated that

the hydrology study, ditching, curbing and the design falls under the guidelines of the engineer. The engineer puts his stamp on the development and states it will work. Vice-Mayor Privett stated he has been assured that the study had been done for the entire property. Vice-Mayor Privett suggested contacting one of the legislators and have him go to the State to locate the hydrology study. Manager Burris stated that the work the City is doing is to protect the roadway and assist with better drainage. Mayor Shipley stated that the spillways belong to the developer and that he has been looking into this situation for over a year. Vice-Mayor Privett stated this water run off has caused silt to build up over time and most is on private property which the City cannot go on. This work will be up to the property owner. Mr. Million stated he is willing to do as much as he can to help the situation. Mayor Shipley asked the Vice-Mayor if he would try and locate the study and stated the City will try to see what can be done.

Interim Manager Burris answered the questions asked at the last commission meeting regarding the concrete bid. She stated there would be a fifty dollar delivery charge for less than four yards of concrete and a four dollar environmental fee added to every delivery from the apparent low bid, which is Sequatchie Concrete. P & S Concrete will not add any extra charges to their bid and they have no minimum amount to be delivered. She stated that the City is estimating over one thousand yards of concrete to be used in the upcoming fiscal budget. Mayor Shipley stated with the extra charges and delivery fees it would be best to award the bid to P & S Concrete since they are local and delivery would be more timely. Vice-Mayor Privett made a motion to this effect.

- 1<sup>st</sup> - Vice-Mayor Privett
- 2<sup>nd</sup> - Commissioner Harmon
- Ayes - Unanimous

Interim Manager Burris explained the difference in the bids on the asphalt. Motion was made by Commissioner Harmon to purchase asphalt the same as in the past with the discretion of the City Manager and Public Works Director to use Highways Inc. for larger jobs and Card’s Paving for smaller jobs. Manager Burris stated large jobs would be brought before the Board for prior approval.

- 1<sup>st</sup> - Commissioner Harmon
- 2<sup>nd</sup> - Vice-Mayor Privett
- Ayes - Unanimous

Commissioner Skiles questioned the fifteen hundred dollar per day charge stated in Card’s Paving bid for pot holes. Vice-Mayor Privett advised the Public Works Director to evaluate pot holes and schedule jobs accordingly to avoid this extra charge. Manager Burris stated tabs on tonnage would take care of this.

Interim Manager Burris presented the Fire Department bids and Fire Chief Stulce explained the bids on fire hose and nozzles. His recommendation is to purchase the nozzles from NAFCO and purchase fire hose from Tennessee Fire Equipment. Manager Burris stated these are budgeted items.

- 1<sup>st</sup> - Commissioner Skiles - As recommended
- 2<sup>nd</sup> - Commissioner Harmon
- Ayes - Unanimous

Fire Chief Stulce reported on the bids for a metal building, two gazebos, and interior metal sheeting. Vice-Mayor Privett asked if a representative was present from the low bidder on the metal building. No one was present from Pelican/Northside Properties. He stated he has concerns on this bid, because the material cost and simple labor is more than the bid price. Fire Chief Stulce stated the bidders were not requested to be present. Vice-Mayor Privett stated a considerable difference in the bidding, with one being super low. He stated the low bid it not always the best. Vice-Mayor Privett made a motion to award entire bid to Gann Construction based on past work experience for the City. Attorney Elliott stated the City would be justified in rejecting the low bid when it doesn’t look realistic. Manager Burris asked if the work could be completed by the end of fiscal year. Fire Chief Stulce stated it may have to be rolled over into next year’s budget.

- 1<sup>st</sup> - Vice-Mayor Privett
- 2<sup>nd</sup> - Commissioner Harmon
- Ayes - Unanimous

Interim Manager Burris requested a preliminary budget hearing be scheduled. It was the consensus of the Board to schedule a budget workshop on Thursday, May 28th at 6:00 p.m. Manager Burris stated she would have hearing advertised.

Interim Manager Burris reminded the Board of the TML Conference scheduled for June 14<sup>th</sup> - 16<sup>th</sup> in Chattanooga. She asked anyone wishing to attend to let her know by next week so reservations can be made.

Commissioner Adams stated the work still needs to be done on Spring Street at Soddy Elementary. This is to be a joint effort with Hamilton County. Vice-Mayor Privett stated that Hamilton County needs to be contacted since they left it unfinished after building the new elementary school. Manager Burris said she thought the City was going to do this in conjunction with Hamilton County.

Commissioner Adams stated he would like to publicly thank Representative Richard Floyd for all the work he did in obtaining the traffic light at Hwy. 27 and Highwater Road. He stated it was quite a project and he did a lot of detailed work. He suggested the City send a formal compliment to Representative Floyd, Senator Bo Watson and Representative Jim Cobb.

Commissioner Skiles stated he was concerned about the speed in which the police department responds to some calls. Vice-Mayor Privett referenced a memo which was sent out on April 1, 2008 by former Police Chief Loftis regarding this matter. The memo stated that each officer should know the proper guidelines for emergency operations of a motor vehicle. He stated each officer should have a copy of the Emergency Vehicle Operations Booklet which states the proper speed not to exceed on emergency calls. Vice-Mayor Privett also expressed a concern in the number of cars that respond to a call. Manager Burris advised the Board that this has been addressed. She stated this particular incident was a child that had stopped breathing and all cars did not respond to the scene. Two cars were dispatched to handle traffic at the request of the Fire Department. Attorney Elliott stated the City has a policy that addresses this matter and advised that tactical type policies should not be set. Mayor Shipley asked Sergeant Loveless to explain this situation. Sergeant Loveless explained this call was a nine month old child that had stopped breathing. He explained that cameras are in each police vehicle which come on when the lights and sirens are in operation. Videos may be pulled to determine the speed of each vehicle. Mayor Shipley asked what are the proper guidelines when responding to a call of this nature. Sgt. Loveless stated there is no set speed but certain criteria to consider would be, traffic, time of day, number of vehicles on the road, and weather conditions. He stated it is the discretion of the officer to determine a safe speed in which to respond without putting others in danger. He stated the only police cars that carry an AED in the police vehicles are supervisors and as a parent, it was a major concern of his to respond quickly, but at no time was his speed over 50 mph. The ambulance was in route from a distance out of quarters. Vice-Mayor Privett asked Sgt. Loveless how many AED's the City needs. Sgt. Loveless responded that he thinks there should be one in each vehicle. Vice-Mayor Privett stated he felt it necessary to purchase an AED device for every vehicle to enable officers to save lives. He suggested the purchase of AED's be included in the new budget. Sgt. Loveless advised that they were able to revive the child by using this device. Commissioner Harmon asked if the videos had been reviewed and requested they be reviewed in order to clear up any questions that have arisen.

Commissioner Harmon stated he is aware that the employees may accrue up to two hundred and forty hours of leave time. He stated he felt the amount of time an employee should be able to accrue should be increased. Attorney Elliott stated this could be considered in the budget workshop.

Vice-Mayor Privett advised in 1992 when sewers were installed on Burns Street under a low to moderate income grant, Mayse Construction neglected to install a tap on a line and extend onto a property in the blue prints. The as built and blue prints show this tap. Users fees have been collected from this property owner from that time forward. Vice-Mayor Privett stated he feels Mayse Construction will make this correction and he feels the City should waive the sewer tap fee for Mayse Construction and the property owner, which is now Brad Snyder. He explained WWTa has agreed to waive the \$800.00 tap fee down to \$50.00. He asked the Board how they felt about this. Mayor Shipley advised he is the plumbing contractor for this job and he will abstain from voting on this. He stated this was discovered when he began to do this job for Mr. Snyder, at which time he contacted Vice-Mayor Privett, who is the City's agent with WWTa. City Attorney Elliott, also stated for the record that his law firm also does legal work for Mayse Construction. Vice-Mayer Privett stated he felt this was only fair to Mr. Snyder since he obtained his property under this pretense. Vice-Mayor Privett made the motion to waive the road cut permit whether Mr. Snyder or Mayse Construction does the job.

- 1<sup>st</sup> - Vice-Privett
- 2<sup>nd</sup> - Commissioner Skiles
- Ayes - Vice-Mayor Privett, Commissioner Adams, Commissioner Harmon, Commissioner Skiles
- Abstained - Mayor Shipley

Vice-Mayor Privett stated the grass on the west side of Springfield Road, across from the ball fields is

over two foot high and asked Public Works Director if this was overlooked or if there is a problem with our mowers. Mr. Renfro stated he was not aware of this. Vice-Mayor Privett asked if the City has a routine schedule for mowing. Mr. Renfro stated every season mowing begins at the Municipal Building and goes south on Dayton Pike to end of city limits and mowers work side roads back and then go north working same way. He stated the boom mower was down for approximately one week and both mowers mow every day.

Vice-Mayor Privett stated the Board has had an interview for the City Manager position. He stated discussion and a decision on the next process is necessary. He stated it is time to get a city manager in place. He stated the person interviewed is a former city manager. Mayor Shipley stated this would be a person the Board would agree upon. Attorney Elliott stated this is the time to discuss this person. Commissioner Adams asked if the Board could sit down and talk financial terms with this person. Attorney Elliott stated it would be legal to obtain from him his financial expectations and put information in a letter of agreement or contract type situation and then discuss in an open meeting. Attorney Elliott stated he has drafted something as a departure point for City. Vice-Mayor recommended the Mayor meet with the individual and obtain all pertinent information and his request in writing and the Board schedule a meeting to go over information and discuss at a later commission meeting. Attorney Elliott has prepared a basic set of terms on a departure point. He advised he has talked with the interviewers attorney and when comments are received he will give results to the Board for review. It was asked from the audience if the reason for leaving office when last employed could be given. Commissioner Adams stated he had taken a leave of absence from his job to serve as city manager for two years. This was understood prior to him taking this job in the beginning. Vice-Mayor Privett stated he was asked to stay but would have lost a considerable amount of money from his former employer in his retirement. An audience member also asked if this person could be named. Mayor Shipley said the person is Hardie Stulce. He is the current Fire Chief and will resign as fire chief if hired as City Manager.

Vice-Mayor Privett reported on the WWTa meeting held yesterday. He advised WWTa would be hiring several plumbers, professionals and engineers to work on the lateral sewer installation. He advised to watch the local paper for more information. Mayor Shipley stated he is very unsatisfied with WWTa and their cooperation with the City. He stated he feels it is very unfair to take money from the citizens of Soddy-Daisy, which is one of the newer sewer system, to pay for repairs to one of the oldest systems on Signal Mountain. Mayor Shipley stated it is his belief the City could take over the sewer in our City and do a much better job. Mr. Arnold Stulce, 141 Lewis Street, stated the fiasco WWTa has placed on the citizens is ridiculous. He reminded of the time WWTa showed pictures of people connecting drain pipes to the sewer system on Signal Mountain and he feels the City should file a class action suit to protect the citizens. He thinks the City should contact their legislators regarding this matter. Mayor Shipley stated each city has a flow meter which shows the flow coming from locations. He stated this should be monitored and fees based on their usage. Vice-Mayor Privett stated the City of Red Bank has requested all their records from WWTa for the last five and a half years they have been a member. He stated that under the open records law they are entitled to any record of repair work done in the City of Red Bank. He stated that East Ridge is looking into the same thing. He stated the records may be obtained by sending a representative from the City to meet with a WWTa representative at the City's expense. Attorney Elliott advised that if more than one person contact the legislature regarding this matter, you will get a better response.. Vice-Mayor Privett explained the law that former State Representative Arnold Stulce was able to get passed while he was in office. He stated only one county in Tennessee, which is Hamilton County, that passed a law that a the home owner is only responsible for the property you own. He stated WWTa is trying to over turn this law. Vice-Mayor Privett commended Mr. Stulce on this achievement.

Mayor Shipley stated that Christ Family Church has asked permission to use the big tent the city provides for the July 4<sup>th</sup> celebration to have a community church service on Sunday July 5<sup>th</sup>. Attorney Elliott stated that due to the circumstances the tent is already there, this should not be a problem. Manager Burris stated it would be possible to have some volunteers look after chairs and tent.

ADJOURNMENT 8:45 P.M.

SECRETARY BARKER